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10 IN THE UNITED STATES DISTRICT COURT  
11 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
12 SAN FRANCISCO DIVISION

13 **CARISHA CAREE LIBBETT,**

Petitioner,

15 **v.**

16 **LINDA CONDRON, Warden,**

Respondent.

C 07-2884 SI

**ANSWER TO ORDER TO SHOW  
CAUSE**

19 Respondent hereby provides this answer to the Order to Show Cause why the petition for  
20 writ of habeas corpus should not be granted.

21 **I.**

22 **CUSTODY**

23 Petitioner is lawfully in the custody of Linda Condron, Warden of Valley State Prison for  
24 Women in Chowchilla, California, as a result of a judgment of conviction in Santa Clara County  
25 Superior Court in Case No. CC467663. A jury found petitioner guilty of three counts of robbery,  
26 kidnapping to commit robbery, and a lesser included offense of misdemeanor assault. The jury  
27 found not true an allegation that petitioner was armed during the robbery and kidnapping. The trial  
28 court sentenced petitioner to life with possibility of parole, plus four years.

**II.**

**GENERAL AND SPECIFIC DENIALS**

Respondent denies that the state court's ruling was based on an unreasonable determination of fact or was contrary to or involved an unreasonable application of clearly established United States Supreme Court law. Respondent specifically denies that there was insufficient evidence to support the conviction of kidnapping for robbery.

**III.**

**PROCEDURAL ISSUES**

Petitioner's claim is exhausted. The petition is timely within the meaning of 28 U.S.C. § 2244(d).

**IV.**

**LODGED DOCUMENTS**

Respondent has lodged concurrently with this answer the following exhibits: (1) Clerk's Transcript (2 volumes); (2) Reporter's Transcript (5 volumes); (3) Appellant's Opening Brief; (4) Respondent's Brief; (5) Appellant's Reply Brief; (6) Opinion by California Court of Appeal; (7) Order Modifying Judgment; (8) Petition for Review; and (9) Docket of California Supreme Court showing review denied.

**V.**

**INCORPORATION BY REFERENCE**

Respondent hereby incorporates by reference the accompanying memorandum of points and authorities in support of this answer.

**VI.**

**CONCLUSION**

Respondent respectfully requests that the petition for writ of habeas corpus be denied.

Dated: November 20, 2007

Respectfully submitted,

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